

Application No.: 10/613,312
Attorney Docket No.: (7748 P 002)
Reply to Office Action of May 2, 2005

REMARKS

As a result of the above amendments, Claims 1, 2, 3, 4, 5, 7, and 9 are cancelled. On page 6 of the May 2, 2005 Office Action, the Examiner stated "Claims 6 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base Claim and any intervening Claims." In accordance with the Examiner's suggestion, Applicant has amended Claims 6 and 8 and believes they are now in condition for allowance. Claim 10 has been added and is directed to the same allowable subject matter included in Claim 6; however, it eliminates non-essential elements. Because Claim 10 concerns the same patentable material as Claim 6, Applicant believes Claim 10 is also in condition for allowance.

Remarks Concerning the Drawings

On page 2 of the May 2, 2005 Office Action, the Examiner requested new corrected drawings in compliance with 37 C.F.R. 1.121(d). The Examiner opined that the drawings include lead lines and lines connoting structure that are of poor line quality. Applicant hereby submits new corrected drawings.

Remarks Concerning Rejections Under 35 U.S.C. § 112

In ¶¶ 3-4 of the May 2, 2005 Office Action, the Examiner rejected Claims 1-8 as failing to comply with definiteness requirement of 35 U.S.C. § 112 ¶ 2. The Examiner's rejections concern the term "rotatable member" in Claims 1. The Examiner stated it was not clear what structure in Applicant's Figures corresponds to the "rotatable member," but that "it appears that this recitation is referring to the grill member (22) illustrated in Applicant's Figures 1 and 3." Examiner has suggested the rejection under §112 will be obviated if the grill member in line 1 of Claim 1 instead recites "that the grill member is rotatable" so as not to introduce an additional "rotatable member."

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The Claims have been herein amended, such that the term "rotatable member" has been replaced with "rotatable grill member", which is amply described on at least p. 4, lines 11 et seq. Applicant submits that the term "rotatable grill member" is an exemplary embodiment of the term "grill member", and that the amendment does not alter the scope or meaning of the Claims. Applicant further respectfully submits that the amendment satisfies and obviates the Examiner's rejections under 35 U.S.C. § 112.

Remarks Concerning Rejections Under 35 U.S.C. § 103

On page 4 of the May 2, 2005 Office Action, the Examiner rejected Claims 1, 2, 3, 5, 7, and 9 as being unpatentable over U.S. Patent No. 4,979,490 to Nudo et al. ("Nudo") and Claim 4 over U.S. Patent No. 4,979,490 to Nudo in view of U.S. Patent No. 4,117,825 to Robertson ("Robertson"). Because Applicant has canceled claims 1, 2, 3, 4, 5, 7, and 9, Applicant essentially deems those rejections moot.

CONCLUSION

In light of the amendments and remarks made herein, Applicant respectfully submits that Claims 6, 8, and 10 are in condition for allowance. Applicant respectfully requests that the Examiner allow the claims to issue. If it may be of assistance to contact the undersigned Attorney regarding the present invention, the Examiner is invited to do so. The Commissioner is hereby authorized to charge Deposit Account No. 23-0280 in connection with any fees associated herewith.

Respectfully submitted,

Dated: June 30, 2005

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06-30-2005 11:55am From-WALLENSTEIN WAGNER

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Commissioner For Patents, P O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2005

Natalie L. Kurowski/227517

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